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COMMITTEE ON ECONOMIC, SOCIAL
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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the initial report of Honduras concerning the rights referred to in articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.40)

I. GENERAL INFORMATION

A. General framework

1. According to the information provided in the core document (para. 61), once international treaties enter into force they become part of domestic law and their provisions may be invoked by natural or legal persons in any court or before any Honduran authority; in cases of conflict between the treaty and domestic law, the treaty shall prevail. This being so, please provide information on specific cases in which violations of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights have been invoked by natural or legal persons in court or before the competent Honduran authorities.

2. What is the position of the Government of Honduras on the recommendation made by the World Conference on Human Rights concerning the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights?

3. Please indicate the measures taken by the State party to modernize the public institutions having to do with the well-being of the population in general, and with the gradual development of economic, social and cultural rights in particular (para. 6 of the report).

4. Please indicate the main obstacles encountered by the Government of Honduras in its efforts to implement fully the rights recognized in the Covenant.

5. Please describe the general situation in the country following the natural disaster brought about by Hurricane Mitch, including programmes undertaken with international cooperation to mitigate its effects.

6. Please indicate whether the State party invited non-governmental human rights organizations to take part in any way in the preparation of the report.

7. Please explain the meaning and scope of the Spanish term diputados propietarios used in the core document in paragraph 49, describing the composition, function and number of representatives in the legislature.

B. Information and publicity

8. Please describe the measures taken in Honduras to inform the general public about the rights enshrined in the Covenant.

9. Please indicate whether, besides disseminating the contents of the International Covenant on Economic, Social and Cultural Rights nationwide, specific courses are given to members of the armed forces and the national police and to other authorities and officials such as judges and lawyers in charge of maintaining law and order.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2. Non-discrimination

10. Paragraph 31 of the report concedes that neither the constitutional rule that "there shall be equal pay for equal work", with no discrimination whatsoever, nor the labour laws on the subject are strictly applied. What measures, in addition to those mentioned in paragraph 33, is the State party taking to remedy the situation?

Article 3. Equality between men and women

11. Please indicate whether men and women benefit equally from the rights enshrined in the Covenant under existing legislation. Please indicate inter alia whether married women can sign contracts, travel abroad, take out mortgages, inherit property, etc.

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

Article 6. Right to work

12. Please indicate whether the State party has already made the "substantial amendments" to the Labour Code announced in the report to correct various factors and difficulties affecting the degree of implementation of labour rights (paras. 89 and 91).

13. Please indicate the measures taken to correct the discriminatory measures by which certain workers in the agricultural sector are not covered by the Labour Code.

14. Please provide information and current statistics on trends in unemployment by economic sector, broken down by gender and age group, in the past five years.

Article 7. Right to just and favourable conditions of work

15. Please provide information on the mechanism used to set and adjust the minimum wage, and please indicate whether the current minimum wage covers the cost of the basic food basket.

16. Please explain the special schedule governing the minimum wage of "domestic workers in private residences" (para. 62), and how their minimum wage compares to the national statutory minimum wage.

Article 8. Trade union rights

17. Please provide information on the legal measures adopted by the State party to uphold the trade union rights of workers. Those rights have been the object of discriminatory policies owing to the undue interference of employers and the State party's failure to adequately amend the Labour Code, of which a draft revised version has been awaiting adoption since 1996.

Article 9. Right to social security

18. Please indicate what percentage of the general State budget has been spent on social security in the past five years and in particular to what extent the natural disaster brought about by Hurricane Mitch has affected that amount.

19. Please explain the functioning of the Honduran multiple system, which enables the State to create social assistance and security institutions, in addition to the Honduran Social Security Institute (IHSS), with contributions from the public sector and from the beneficiaries (para. 111). How many other institutions have been created? What percentage of participants do they have in proportion to the Honduran Social Security Institute (IHSS)? Does the law allow for the existence of private social security systems?

20. What are the minimum and maximum retirement ages? Please indicate whether there is a compulsory retirement age, whether the retirement age is the same for men and women, and whether pensioners are allowed to work in any way or to have professional activities.

21. Please provide information on old-age and disability pensions and on the rights of survivors.

22. Please provide current data on the amount of the pensions provided in terms of social security and compare that amount to subsistence level requirements.

23. Please explain why certain workers, such as domestic workers, farm workers and others (para. 115), are not subject to compulsory social insurance. From what other type of social security do these workers benefit?

Article 10. Protection of the family and of mothers and children

24. Please provide information on the number of divorces in the past five years and on the relationship between the number of marriages and divorces occurring in the same period. Please provide data on the number of common-law relationships recognized by Honduran law.

25. Please provide information on the measures taken by the Government to handle the serious problem of "street children", 40 per cent of whom, according to the information available, have been forced to prostitute themselves. The Committee has also learned that out of this number, 30 per cent are HIV-positive, 40 per cent are drug addicts and 30 per cent have been simply left to fend for themselves in the streets.

26. In paragraph 8 of the report, the State party admits that most of the country's legislation does not take the gender concept into account, with the result that there are various forms of discrimination against women. Please provide more information on the measures taken, including those mentioned in paragraphs 12 and 17, to remedy the situation.

27. Please provide information on the progress made in protecting and promoting economic, social and cultural rights since the establishment of the Special Women's Office (1994), the Legislative Commission on Women, the Government Women's Office and the National Human Rights Commission. Is there an office or agency in charge of national coordination of all sector units on women's affairs?

28. Please provide illustrative statistics on, inter alia, the problems of "street children", children at work, school absenteeism and dropouts, child prostitution and child abuse. Please also provide information on the measures taken by the State to alleviate those problems.

29. Please describe in more detail the Family Allowances Programme (PRAF).

30. Given that almost 60 per cent of the population of Honduras is less than 18 years old, please provide information on the tangible and specific measures adopted by the State party to solve the principal problems affecting this large sector of the population, among them malnutrition, access to education, exploitation in the workplace, sexual aggression and child prostitution.

31. What is the situation in law and in practice of children born out of wedlock?

32. Please provide information on the extent of domestic violence against women and children and on the measures taken to combat it.

Article 11. Right to an adequate standard of living

33. Please provide sufficient information to allow the Committee to assess the real impact of the structural adjustment programme adopted by the State party in 1990 on the full enjoyment of economic, social and cultural rights, and of any measures taken by the Government to mitigate its effects, in particular for the poorest population groups (paras. 170 ff.).

34. Please explain which economic structural adjustment measures the Government admits having taken that, as indicated in paragraph 36 of the report, have "infringed or diminished in one way or another the rights recognized in the Covenant", thereby further impoverishing the already disadvantaged groups. Please provide information on how and to what extent those measures of economic reform have affected the standard of living of the Honduran population.

35. Please give a detailed account of the measures that have been or will be taken by the State party to carry out its proposal (para. 168) to secure a substantial increase in the food supply which will be sufficient and sustainable over the long term, and to give the population access to the food required to satisfy its biological needs and enable individuals to develop their physical and mental capacities.

36. What has been the State's experience in running the Family Allowances Programme, which provides nutrition assistance through the distribution of food vouchers (para. 173), and with vouchers for the elderly, the so-called Bolsón Escolar (school satchel) project and the occupational voucher project for women heads of family?

37. Please present current statistical information with which to assess the disastrous impact of Hurricane Mitch on housing and basic infrastructure: drinking water, the sewage system, electric power, etc. What measures has the State party taken on its own or with the help of international cooperation to deal with these serious problems? Please provide information on the number of the homeless in Honduras.

38. What is the present cost of the basic food basket, which, according to the core document submitted by the State party, rose from 16.43 lempiras in 1990 to 42.95 lempiras in 1995?

Article 12. Right to physical and mental health

39. Please provide current data on the state of health of the Honduran population and the possibilities of access to medical services by the underprivileged groups.

40. Please provide current information with which to assess the scale of the HIV/AIDS problem among the Honduran population and the measures adopted to prevent and check the virus.

41. Please provide information on the State's share in the regional environment and health investment plan (PIAS), which has an investment fund of 217 million dollars for the

period 1992-2004 for the Latin American and Caribbean region, and on the programmes that should have been carried out with the aid of that fund (para. 262). What positive effects does the plan have on the Honduran population?

42. Please provide information on the specific measures taken by the State party to reduce the infant mortality rate, considered to be one of the highest in Latin America.

Articles 13 and 14. Right to education

43. Please provide information on whether work has commenced on the programme to improve secondary education and correct the problems in the system (para. 49), intended to provide job opportunities in technical careers.

44. How does the State party reconcile its statement that "[the Government] allocates a large part of its budget to fund education because it considers education as an investment in the future of individuals and society" (para. 293) with the fact that in recent years spending on education has accounted for only 3.3 to 4.8 per cent of GDP (para. 296)?

45. What percentage of the total State budget was set aside for pre-school, primary, secondary and higher education over the past five years?

46. Please provide current data on the illiteracy rate, and the percentage by which illiteracy has declined in relation to previous years. What measures is the Government taking to combat the problem of illiteracy?

47. Please provide information on the existence in Honduras of educational programmes in local languages to meet the educational needs of minority ethnic groups, thus preserving their cultural identity.

Article 15. Right to take part in cultural life

48. Please provide details of the measures taken by the State party to protect the cultural identity of indigenous ethnic groups, and to preserve their habitat, natural resources, languages, customs and traditions.

49. Please provide information on associations, movements and non-governmental organizations of a voluntary nature which contribute to the cultural life of Honduras.